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EXAMINER

VU, TUAN A

ART UNIT

PAPER NUMBER

2193

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/843,429	MARSH ET AL.	
	Examiner	Art Unit	
	Tuan A. Vu	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the Applicant's response filed 7/3/2006.

As indicated in Applicant's response, claims 1, 15, 23 have been amended; and claim 3 removed. Claims 1-2, 4-35 are pending in the office action.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 15-22 and 35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 15 recites a system comprising a repository of components, a call controller, and a gateway under the control of the controller to download call service components and to support telecommunications traffic. As garnered from reading the specifications, the repository (i.e. *repository 66*) can be a file system directory or a database --thus not a machine; the controller can be a *softswitch* (see pg. 6), thus also software implemented. Further, there is no explicit teaching to put forth that the *media gateway* (i.e. *gateway 24* - as noted in the specifications) is necessarily a physical device or a tangible computer because according to broad interpretation by one skill in the art at the time the invention was made both gateway and controller can be software implemented. The claim does not provide reasonable teaching to enable the interpretation that the above components are tangible apparatuses. Absent any tangible support for embodying the components recited in this system claim, the claim cannot yield a tangible result from this so-recited system. The claim amounts to a mere abstract, non-practical idea according to the following requirement.

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The Federal Circuit has recently applied the practical application test in determining whether the claimed subject matter is statutory under 35 U.S.C. § 101. The practical application test requires that a “useful, concrete, and tangible result” be accomplished. An “abstract idea” when practically applied is eligible for a patent. As a consequence, an invention, which is eligible for patenting under 35 U.S.C. § 101, is in the “useful arts” when it is a machine, manufacture, process or composition of matter, which produces a concrete, tangible, and useful result. The test for practical application is thus to determine whether the claimed invention produces a “useful, concrete and tangible result”.

Hence, the claim is rejected for leading to a non-statutory subject matter; the dependent claims 16-22 are also rejected for not remedying to the non-practical concept deficiency of the base claim.

Claim 35 recites a system comprising a network carrier, media gateways, a controller and a management system. The specifications do not provide clear teaching showing that those components are tangible hardware devices, or articles of manufacture because for one skill in the art at the time of the invention all of them can be perceived as being software implemented, i.e. being supported or embodied by no tangible hardware or device/media. Absent any tangible support for embodying the components recited in this system claim, the claim cannot be construed as being able to yield a tangible result. The claim amounts to a mere abstract, non-practical idea according to the above Practical Application Test requirement.

It is strongly recommended that Applicant provide clarification as to why the recited system components are necessarily implemented in hardware based on the specifications for the rejection thus set forth to be withdrawn.

Claim Objections

4. Claims 1-2, 4-35 are objected to because of the following informalities: the claims 1, 15, 23, 34-35 include ‘dynamically removing the call component from the call controller’. In the Specifications, there is mention of a component possibly being removed – i.e. *can be removed* --

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(Summary, pg. 2, 2nd para; pg. 10, top para) when a service is no longer needed. There appears to be insufficient teaching as to the timeframe in which the controller determines whether a component is no longer needed, and the use of this 'dynamically' term (even in the Specifications) would sound improper; that is, how the above decision to remove would coexist with this 'removing' act recited as necessarily done 'dynamically' in the runtime context of a call being still on with the component still needed. There is no clear and deliberate definition of this term 'dynamically' in the disclosure to ascertain about the dynamic degree or timeframe of this limitation. For one skill in the art, the disclosed determination that a service is no longer needed reasonably enforces a portion of time clearly subsequent to that during which the call is still being serviced (in which component is still needed). Based upon this, the above disclosure on that need determination (i.e. 'when no longer needed' phrase) will invalidate the usage of what is recited as 'dynamically removing'. Besides, the Specifications recite 'can be removed' (see pg. 10, top para), denoting thereby that an absolute removal (of components 42, 44) -- during the above call servicing or afterwards -- is not a certainty. The language expressed as 'dynamically removing' in light of the above has to be semantically commensurate with the extent to which the original disclosure allows, for this language impropriety is short of a deficiency termed as lack of definiteness in the claimed subject matter. This limitation will be treated as 'dynamically' removing some call processing items in the runtime of the call service, for example removing the call connection as more clearly described in the Specifications (see pg. 11, bottom, pg. 12, top).

Dependent claims from the above base claims are also objected for lack of support to this language impropriety.

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Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 4-6, 8-19, 21-27, and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al., USPN: 6,584,186 (hereinafter Aravamudan), in view of Reifer et al., USPN: 6,421,727 (hereinafter Reifer).

As per claim 1, Aravamudan discloses a method comprising:

retrieving a call service component to a call controller (e.g. *servlet 180, applet 175, call coordinator 160* – Fig. 1; col. 10, lines 34 to col. 11, line 17; Fig. 4) in response to a network carrier turns on a service, corresponding to the call service component, for a particular user area (e.g. *PSTN/IP, softswitch* - col. 7, lines 32-44; *in response to a request* - col. 11, lines 18 to col 12, line 8 – Note: carrier PSTN and Lucent call coordinator with associated call services read on network carrier service for a particular area covered by SIP and SS7 protocol domains spanned by a namespace), the particular area comprising a plurality of users (e.g. *server ...protocol*, col. 5, lines 12-20; *islands of telephony; namespace to its clients* - col. 5, line 62 to col. 6, line 31 – Note: a server maintaining a protocol and representing a namespace to be followed by an islands of telephony clients via a gateway control reads on particular area covering a plurality of users); and

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using the call service component to support telecommunication traffic to or from a gateway under control of the call controller (e.g. col. 12, line 40 to col. 13, line 20; Fig. 4); and dynamically removing the call service component from the call controller (e.g. *call takedown, disconnect command* – col 11, lines 45-65).

But Aravamudan does not explicitly teach downloading of the call service component; however, discloses that the applet (“feature applets”) can be obtained (*loaded and executed by the call coordinator*) from a network (e.g. *loaded ... on the fly ...anywhere from the network ... vendor* -col. 7, lines 5-18). Hence, the concept of optionally downloading the feature applets inside the environment executing the applet is strongly implied. Downloading of Java components to help execute method for servicing end user calls is further taught in Reifer’s system using gateway in conjunction of service providers to download code into a controller communicating with gateway (Fig. 9; col. 9, li. 29 to col. 10, line 27). In case Aravamudan does not already teach downloading, it would have been obvious for one skill in the art at the time the invention was made to implement Aravamudan’s controller executing the service component so that it have capability to download applet from a external provider or code repository as shown by Reifer because this concept of retrieving ready made code, like a applet or servlet, via download from remote source was a known concept at the time the invention was made, a concept strongly implied by Aravamudan’s above teachings and because it takes advantage of Browser utilities to effect the download as evidenced by Reifer, thus optimizing resource usages (col. 8, lines 16-40).

As per claim 2, Aravamudan does not explicitly teach dynamic downloading; but Reifer teaches downloading during a browser session as shown in claim 1; hence teaches dynamically

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downloading the call service component when a network carrier turns on a service, corresponding to the call service component. Hence, it would have been obvious for one skill in the art at the time the invention was made to provide such dynamic loading of call service components as taught by Reifer to Aravamudan because of the browser intensive nature of the PTSN integration service by Reifer using Java based components also as taught Aravamudan (session col. 8, lines 59-65), which entails a connection activated on the basis of one user's request and a session thereof cannot be interrupted for the mere fact of downloading service programs, and this is provided via Reifer's teaching.

As per claim 4, Aravamudan does not explicitly disclose that the call service component uses a half-call model that views a call either as an originating or a terminating segment of the call; but in view of the 2 sides of a call (e.g. Fig. 1; col. 6, lines 10-62 – Note: the use of gateways to address each end of a network communication implicitly discloses 2 segments of a call, i.e. the source side and a destination side), this half-call model is disclosed.

As per claim 5, Aravamudan (see col. 9, lines 8-17) in combination with Reifer (see Fig. 6-7) discloses or has rendered obvious, according to the rationale as set forth in claim 2 above, downloading the call service component from a central repository.

As per claim 6, Aravamudan does not specifically disclose that each segment of the call handles service and access protocols according to a previously downloaded call service component with which the segment is associated. But in view of the teaching of the double side (re claim 4) of a call establishing as shown via Fig. 1-5, the use of the applet being selected in Fig. 4 for handling the segment of the 2-sided call event is implicitly disclosed (e.g. col. 9, line 66 to col. line 17).

As per claim 8, Aravamudan does not explicitly disclose downloading the call service occurs while the call controller is operational and supporting live traffic, the call service being downloaded without disrupting the live traffic. But in view of the rationale of claim 2, this limitation would have been obvious for the same rationale as set forth therein.

As per claim 9, Aravamudan discloses an application component for implementing call behavior (e.g. Fig. 2-3; col. 8, line 27 to col. 9, line 7 – Note: implementing a call according to a tree of events reads on call behavior).

As per claim 10, Aravamudan discloses a resource component for providing access to telephony resources (col. 9, lines 8-17; col. 10, lines 12-27; col. 11, lines 12-17) by an application component that implements call behavior.

As per claim 11, Aravamudan (combined with Reifer) discloses establishing a call having an originating segment that uses the call service component downloaded to the call controller by virtue of the rationale as set forth in claim 4.

As per claim 12, Aravamudan does not explicitly disclose that the call service component downloaded to the call controller represents a first call type, and wherein the call has a terminating segment that represents a different call type while the downloading of components has been rendered obvious as in claim 1. Aravamudan discloses the PTSN islands/namespaces specific to a certain protocol in the scheme of the 2 sides on a call (col. 5, lines 1-20; col. 6, lines 10-33) and selecting of a component for such context (col. 7, lines 48-59; Fig. 3). Hence the limitation of a first call type relating to a downloaded applet and a different call type relating to another applet being downloaded is implicitly disclosed or, if not, would have been obvious in view of the rationale to download components using the teaching by Reifer as above.

As per claim 13, the limitation as to establishing a call having a terminating segment that uses the call service component downloaded to the call controller would have been the counterpart of the first type of call as mentioned in claim 12; hence would be rejected using the same rationale as set forth above.

As per claim 14, this claim correspond to the counterpart of claim 12 and represent the opposite end of the first type of call as recited therein; hence would be rejected using the same rationale as set forth above.

As per claim 15, Aravamudan discloses a telecommunication system comprising: a repository of call service components; a call controller; and a gateway under control of the call controller (e.g. *server, coordinator* - Fig. 1; col. 9, lines 8-17);

wherein the call controller is configured for retrieving a call service component from the repository (Fig. 4; col. 9, lines 8-17) in response to a network carrier turns on a service, corresponding to the call service component, for a particular user area (e.g. *PSTN/IP, softswitch* - col. 7, lines 32-44; *in response to a request* - col. 11, lines 18 to col. 12, line 8), the particular area comprising a plurality of users (e.g. *server ...protocol*, col. 5, lines 12-20; *islands of telephony; namespace to its clients* - col. 5, line 62 to col. 6, line 31);

using the call service component to support telecommunication traffic to or from the gateway (e.g. *servlet 180, applet 175, call coordinator 160* – Fig. 1; col. 10, lines 34 to col. 11, line 17; col. 12, line 40 to col. 13, line 20; Fig. 4); and

dynamically removing the call service component from the call controller (e.g. *call takedown, disconnect command* – col 11, lines 45-65).

But Aravamudan does not explicitly teach downloading of the call service component. This limitation has been addressed in claim 1 above.

As per claim 16, Aravamudan does not explicitly disclose that the call controller is configured for dynamically downloading the call service. But this limitation has been addressed in claim 2 above.

As per claims 17, 18, 19, these claims correspond to claims 3-4, 6, respectively; hence are rejected with the corresponding rejection as set forth therein.

As per claim 21, refer to the rationale as set forth in claim 8.

As per claim 22, this claim recites the limitations of claims 9 and 10; hence is rejected with the corresponding cited portions as set forth therein.

As per claim 23, Aravamudan discloses an article comprising a computer-readable medium storing computer-readable instructions for causing a computer system to:

retrieve a particular call service component from a repository of call service components in response to a network carrier turns on a service, corresponding to the call service component, for a particular user area, the particular area comprising a plurality of users (e.g. *server ...protocol*, col. 5, lines 12-20; *islands of telephony; namespace to its clients* - col. 5, line 62 to col. 6, line 31); and

use the particular call service component to support telecommunication traffic to or from a gateway under control of a call controller; and

dynamically removing the call service component from the call controller (e.g. *call takedown, disconnect command* – col 11, lines 45-65);

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all of these limitations **having been rejected** with Aravamudan with the corresponding cited portions as set forth in claim 1.

But Aravamudan does not explicitly teach downloading of the call service component. This limitation has been addressed in claim 1 above.

As per claims 24-26 and 27, 29-31, these claims correspond to claims 2-4, and 6, 8-10, respectively; hence are rejected with the corresponding rejection as set forth therein

As per claim 32, this claim recites the limitations of claim 11 and claim 5; hence is rejected with the corresponding cited portions as set forth therein.

As per claim 33, this claim recites the limitations of claim 13 and claim 5; hence is rejected with the corresponding cited portions as set forth therein.

7. Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reifer et al., USPN: 6,421,727; further in view Guheen et al., USPN: 6, 957,186 (hereinafter Guheen).

As per claim 34, Reifer discloses a method comprising:

dynamically downloading a call service component to a call controller (e.g. Fig. 9; col. 9, li. 29 to col. 10, line 27) when a network carrier turns on a service, corresponding to the call service component, for a particular user area comprising a plurality of users (e.g. col. 3, lines 42-67 – Note: satellite ‘cells’, LAC read on a particular area covering plurality of users); and

using the call service component to support telecommunication traffic to or from a gateway under control of the call controller (e.g. *MXU, MSC, EIR, MOC, GMS, HLR* - col. 3, line 30 to col. 4, line 39);

dynamically removing the call service component from the call controller (e.g. *end of a call* – col. 4, lines 32-39; *deactivation* – col. 9 lines 7-14).

But Reifer does not explicitly disclose wherein the service component comprises a set of core functions surrounded by a wrapper, the set of core functions provides functionality associated with the service component, and the wrapper supports the dynamic downloading. In a network-based development framework to service requests similar to the SPNet Java-based service by Reifer, Guheen discloses Java applet being downloaded analogous to Reifer (see Reifer: col. 9-10) and further discloses a Java Dynamic Management Kit (e.g. col. 18, lines 24-46) for effecting such applet deployment; and further discloses wrapper to protect reusable code being distributed from being affected to/from different sources or insecure transmission environments. In view of Reifer's download scheme in which security via Gateway and Script execution (see Reifer col. 9-10) are used as validation/policy enforcing methods, it would have been obvious to protect the downloaded packages so that the scripts be implemented as wrappers instead effect the execution of the installation/download according to Guheen's intention on not letting the untrusted environment affect the core code or package content (see Guheen: col. 19, lines 42-56). At the time the invention was made, one skill in the art would be motivated to enhance Reifer's Java download and execution framework into a JDMK among other Java tools as shown by Guheen because of the many support Java Packages were available at the time to be used, particularly when the availability of tools for business request fulfillment as intended by Reifer and Guheen would have alleviated resources that would demand code to be rewritten.

As per claim 35, Reifer discloses a system comprising:

a network carrier;

a plurality of media gateways associated with the network carrier (Fig. 1, 4);

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a call controller adapted to control a first one of the media gateways (e.g. *MSC 310* – Fig. 3);

a management system associated with the call controller, wherein the management system is adapted to:

direct dynamic downloading of a service component to the call controller (e.g. Fig. 9; col. 9, li. 29 to col. 10, line 27) through a Java-based service (e.g. *SPNet* service, Fig. 9) when the network carrier turns on a new service for the plurality of media gateways (Fig. 1, 4; col. 3, lines 52-67), and

control configuration of the first media gateway and the call controller; wherein the call controller is adapted to use service component to support telecommunication traffic to or from the first media gateway (e.g. *MXU, MSC, EIR, MOC, GMS, HLR* - col. 3, line 30 to col. 4, line 39- Note: in conjunction with Switching center MSC, the EIR and GMS with the VLR/HLR manage the control for communications between first Home Gateway and other Visiting Gateways, thus this reads on both control configuration and call controller) , and

wherein the management system is adapted to dynamically remove the service component when the call controller no longer requires the service component (e.g. *end of a call* – col. 4, lines 32-39; *deactivation* – col. 9 lines 7-14).

But Reifer does not particularly teach that the service for downloading is a Java Dynamic Management Kit (JDMK) framework; nor does Reifer explicitly disclose wherein the service component comprises a set of core functions surrounded by a wrapper, the set of core functions provides functionality associated with the service component, and the wrapper supports the dynamic downloading. In a network-based development framework to service requests similar

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to the SPNet Java-based service by Reifer, Guheen discloses Java applet being downloaded analogous to Reifer (see Reifer: col. 9-10) and further discloses a Java Dynamic Management Kit (e.g. col. 18, lines 24-46) for effecting such applet deployment; and further disclose wrapper to protect reusable code being distributed from being affected to/from different sources or insecure transmission channel. In view of Reifer's download scheme in which security via Gateway and Script execution (see Reifer col. 9-10) as validation methods, it would have been obvious to protect the downloaded packages so that the scripts be implemented as wrappers instead effect the execution of the installation/download according to Guheen's intention on not letting the untrusted environment affect the core code or package content (see Guheen: col. 19, lines 42-56). At the time the invention was made, One skill in the art would be motivated to use such wrapper code because of the reasons as set forth in claim 34 above.

8. Claims 7, 20, and 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al., USPN: 6,584,186 and Reifer et al., USPN: 6,421,727, as applied to claims 4, 18, 23, respectively; further in view Guheen et al., USPN: 6, 957,186.

As per claim 7, Aravamudan does not disclose a wrapper surrounding a set of core functions, wherein the wrapper supports dynamic downloading of the component to the call controller. Both Aravamudan and Reifer disclose security controllers and gateways, with Reifer further exhibiting security features such as data auditing or rejecting and data package and data reformatting by gateways (col. 6, line 11 to col. 7, line 53). This security feature is furthered by Guheen's use code wrapper to effect the deployment of Java code being distributed into heterogeneous environments wherein the risk of unwanted alteration to the Java package would be of concern. Hence, it would have been obvious for one skill in the art at the time the

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invention was made to implement a wrapper to the process of transmitting service components as mentioned by Aravamudan's method so that received components and deployment thereof via the well-known gateway concept as by Avaramudan/Reifer can further benefit from encapsulation or protection of data via the refitting or format encapsulating of deliverable code and control code (like deployment scripts by Reifer) under wrapper format. One skill in the art would be motivated to use such wrapper code because of the reasons as set forth in claim 35 above.

As per claims 20 and 28, these claim recite the limitations of claim 7; hence are rejected with the corresponding cited portions as set forth therein.

Response to Arguments

9. Applicant's arguments filed 7/3/2006 have been fully considered but they are not persuasive. Following are the Examiner's observations in regard thereto.

USC §101 Rejection:

(A) Applicants have submitted that the rejected claims clearly apply to a system in a telecommunications system; therefore clearly leading toward statutory subject matter.

According to the Practical Application requirement, when the claim amounts to a subject matter that is not sufficient to convey the realization of a concrete, tangible and useful result, the claim is not more than an impractical abstract idea.

The Federal Circuit has recently applied the practical application test in determining whether the claimed subject matter is statutory under 35 U.S.C. § 101. The practical application test requires that a "useful, concrete, and tangible result" be accomplished. An "abstract idea" when practically applied is eligible for a patent. As a consequence, an invention, which is eligible for patenting under 35 U.S.C. § 101, is in the "useful arts" when it is a machine, manufacture, process or composition of matter, which produces a concrete, tangible, and useful result. The test for practical application is thus to determine whether the claimed invention produces a "useful, concrete and tangible result".

The rejection has shown that there is not sufficient and irrefutable evidence in the disclosure to qualify each of the recited elements in the claim(a repository, a controller, a gateway) as hardware or a tangible embodiment. That is, these elements do not amount to being embodied within a hardware support or tangible executing device, so that when interacting with each other in the executing environment of such hardware support, it is reasonable perceived that these elements produce a real world result as required by the Practical Application Test. Software entities recited in a system claim without being embodied in a hardware or tangible device reasonably purported to support the realization of such software execution or actualization would amount to non-statutory subject matter.

The argument is therefore insufficient to overcome the rejection.

USC 103(a) Rejection:

(B) Applicants have submitted that Aravamudan's call takedown does not include removing any call service components; and that it includes removing those components from anywhere in the network as opposed to removing those applets inside the controller as claimed (Appl. Rmrks, pg. 9, last 2 para). The limitation as to 'dynamically removing' has been treated as removing runtime components related to the servicing of the call according to the analysis set forth in the above CLAIMS OBJECTIONS. Accordingly, the only call service component that can be dynamically removed are the very items related to this call service, one of which being the connection of the call, because there is not a single support from the Specification as to a clear and deliberate implementation describing that the very downloaded -- as recited -- component is removed precisely during this call runtime. The rejection has set forth a context of a coordinator working with a tree of commands supported by control files and downloaded applets (see

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Aravamudan: col. 7, line 5-59); according to which in response to the event requiring a call termination, the applet will support the termination of the call component via execution of said commands (see Aravamudan: col 11, lines 52-65). Hence the 'dynamically removing' of call related component is fulfilled from the above.

(C) Applicants have submitted that Aravamudan's applets can be downloaded and executed from anywhere, so that a call takedown would dynamically remove these applets from anywhere. There is no such removing of applets 'from anywhere' in Aravamudan nor is there any removing of applets in the claim as alleged by Applicants. The coordinator as taught by Aravamudan can download on-the-fly applets to execute the commands structure in the controller environment (see Aravamudan col. 7) and terminate the service upon receiving a takedown or on-hook event; and this dynamically removal limitation of a service component has been set forth above, based on the impropriety analysis of the claim language in the Objection as set forth above.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

(D) As for the arguments about Reifer merely ending a call as opposed to removing the downloaded JAVA application as proffered by the claim subject matter (Appl. Rmrks, pg. 10, top) the disconnect of a call falls under the ambit of the rebut as set forth above using Aravamudan's call takedown. The argument is therefore not sufficient to overcome the use of Reifer.

For the sake of argument, even in the event that the Specifications would be read into the claims, i.e. allowing the interpretation of the 'dynamically removing' to be such that the

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controller can decide during runtime and then take away code or API or applets from the runtime; this limitation can be treated as either anticipated OR a mere obvious limitation. That is, when it is found out that a code is no longer needed for a particular instance of call servicing (as in Aravamudan's tree instance or Reifer's SPNet session), removing said code -- or deactivating its execution state -- from a call servicing instance (from Aravamudan's control tree or from Reifer's SPNet browser instance) would be necessary if not a must (as in inherent teaching) to both Reifer and Aravamudan, hence anticipation. Further, as long as the removing reads on **not using** a code for activating or operating the service instance in the sense that a component (applet or Java interface) being previously instantiated inside the call activation session which is now deactivated -- based on the event of a call disconnect as by Aravamudan or Reifer-- the removal of any such applicable interface code (or deactivation thereof) for that particular instance (after the call session ends), would have been obvious for storage reason, and this is also well-known.

(E) Applicants have submitted for claim 34 that neither Guheen nor Reifer discloses this limitation (Appl. Rmrks, pg. 10, bottom). The rationale as to using Guheen is not to meet the 'dynamically removing' limitation. The rationale as to how Guheen in light of Reifer would have rendered the 'wrapper' limitation obvious is set forth for specific rationale, against which Applicants contend with pointing out a deficiency deemed as being anticipated from section B and D above. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

If this 'removing' feature is a crucial aspect of the Invention, appropriate description as to how it has been implemented should be self-explanatory, deliberate and sufficiently detailed in order not to invite what would be considered as unwanted interpretations. And this disclosure seems to be deficient at doing this, as addressed above, and this deficiency would not help remedy to the lack of clarity in the claim in this regard, so to render it highly patent eligible.

The arguments for the subject of the remaining claims should fall under the ambit of the Examiner's rebut as set forth above in section B, C, and D.

Therefore, the claims will stand as rejected as established by the Office Action.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (272) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)272-3719.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 (for non-official correspondence – please consult Examiner before using) or 571-273-8300 (for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VAT
October 6, 2006



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